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**RE: Re: Statement**

1 message

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**Paul Giuffre** <[REDACTED]>  
To: Mary Niederberger <mary@publicsource.org>  
Cc: Gene Freeman <[REDACTED]>

Wed, Aug 21, 2019 at 12:50 PM

Ms. Niederberger,

I have been asked to respond to your latest inquiry.

The Fox Chapel Area School District would never respond to your specific questions, nor any inquiry, regarding reports required or made under the Child Protective Services Law. Due to the privacy rights of any child named in any report, the law protects from disclosure information regarding such matters. The Fox Chapel Area School District will not violate any child's right to privacy. It is imperative that you understand the district's responsibilities in this regard.

In general, the law is clear that investigations and personnel matters, in which no discipline is imposed, should remain confidential. Violation of this protection afforded to an accused employee could result in liability to the district and would be grossly unfair to someone wrongfully accused. Contrary to your assertion, Dr. McCommons at no time waived the protections afforded him by the law to allow the district to respond to each question you may have, nor would the district require or expect any employee to do so.

Also, your insinuation that the district would "wait until an employee is charged with a crime before taking any action" is wholly inaccurate. As was previously stated, in any instance where there is reasonable cause to believe an employee is a danger to children, the employee would be suspended, the matter would be investigated, and disciplinary action taken as appropriate. According to the law and district policy, allegations of child abuse would also be reported to the proper authorities.

For some reason, you continue to dismiss the fact that Dr. McCommons has never been arrested for, charged with, or convicted of any crime. Additionally, according to his Pennsylvania Child Abuse History Certifications (including one from August 2019), there is no record of a founded or indicated report of child abuse.

While these may not be the answers you want to your specific questions, they are factual and truthful.

Paul Giuffre

----- Original Message -----

Dr. Freeman,

Thank you for this response. However, it does not address the questions that were posed.

The response does not indicate if school officials followed the state legal mandate to report to ChildLine any suspected child abuse.

As a mandated reporter yourself, I am sure that you know you do not wait until an employee is charged with a crime before taking any action. You (and all school employees) are required, under the law, to report suspected child abuse.

Here are the rules on mandated reporting as taken from the PA Family Alliance Website:

**Mandated reporters are required to make a report of suspected abuse when they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:**

**They have contact with the child as part of work or through a regularly scheduled program activity or service OR**

**They are responsible for the child or work for an agency that is directly responsible for the child OR**

**Someone makes a specific disclosure to the mandated reporter and the child is identifiable. This includes children that the mandated reporter may not know through their work or volunteer position OR**

**A person 14 years old or older makes a disclosure that he/she has committed child abuse. This includes children that the mandated reporter may not know through their work or volunteer position.**

**The child does NOT have to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.**

As you indicated that Dr. McCommons has given you permission to respond to this inquiry, I ask again whether the district was aware of the allegations against Dr. McCommons that are included in his child custody documents, along with the narrative of Wayne Township Police Chief Robert Magnifico, whether the district reported those allegations to ChildLine or checked to see if another individual or agency reported the allegations?

Also, did the district enact its policy for responding to allegations of child abuse at any time with regard to Dr. McCommons?

Thank you for your attention to this matter,

Best,

Mary Niederberger

On Thu, Aug 15, 2019 at 10:21 AM Gene Freeman <[REDACTED]> wrote:

Ms. Niederberger,

Below you will find the response to your August 12 email.

Although the Fox Chapel Area School District does not generally comment on personnel matters unless public disciplinary action is taken, in this instance, and with his permission, I am letting you know that Deputy Superintendent Dr. David McCommons has never been arrested for, charged with, or convicted of any crime. Additionally, according to his Pennsylvania Child Abuse History Certifications (including one from August 2019), there is no record of a founded or indicated report of child abuse.

I want to assure parents and guardians that the safety of our students is of utmost importance. If an employee was arrested, found or indicated to have committed child abuse, or was a danger to children, that employee would be suspended. We would immediately and thoroughly investigate the matter and would take disciplinary action as necessary.

Gene Freeman, Ed.D.

Superintendent

Fox Chapel Area School District

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